

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

INVENTORS: Craig Nevill-Manning et al.
SERIAL NO.: 10/675,756
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U.S. PATENT NO.: 7,505,984
ISSUED DATE: March 17, 2009
TITLE: SYSTEMS AND METHODS FOR INFORMATION
EXTRACTION
EXAMINER: Diane D. Mizrahi
GROUP ART UNIT: 2165
ATTY. DKT. NO.: 24207-10062

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Dated: _____ By: // _____
Brian M. Hoffman, Reg. No.: 39,713

REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT
UNDER 37 C.F.R. § 1.705(d)

SIR:

This letter is to request reconsideration of the Patent Term Adjustment (PTA) under 37 C.F.R. § 1.705(d). Specifically, in view of *Wyeth v. Dudas*, 580 F. Supp. 2d 138 (D. D.C. 2008) and other errors in the PTA calculation, the PTA calculation does not account for the total period of delay under Rules 702(a) and 702(b) (adjusted by any delay accorded to Applicants under Rule 704 and any delay accorded to overlapping days under Rule 703(a) and Rule 703(b)). The patent for the application issued March 17, 2009 as U.S. Patent 7,505,984 and the PTA printed on the face of the patent is 669 days. The PTA calculation on the face of the patent is incorrect and, therefore, Applicants respectfully submit this request within two months of the issue date of the patent. The \$200 fee required by Rule 18(e) is authorized herewith. The calculation of the corrected PTA and the bases for the adjustment are provided below.

Calculation of Periods for Patent Term Adjustment

Under Rule 703(a)

The PTO determined it incurred 518 days of delay under Rule 703(a) for the period beginning 14 months from the filing date (December 1, 2004) until the mailing of a Non-Final Rejection on October 18, 2006. The PTO also determined that it incurred 7 days of delay under Rule 703(a) for the period beginning 4 months from filing of an Amendment after Non-Final Rejection (May 9, 2008) until the mailing of a Non-Final Rejection (May 15, 2008).

Applicants calculate the relevant period to be from December 1, 2004 to October 18, 2006 and May 9, 2008 to May 15, 2008, and agree with the determination that the PTO incurred 525 days delay under 703(a).

Under Rule 703(b)

The application was filed on September 30, 2003, and the period exceeding three years after the date on which the application was filed begins on October 1, 2006 (three years from the day after the filing date). Currently, Applicants calculate the relevant period to be from October 1, 2006 to March 17, 2009 (the Issue date of the Patent), or 899 days.

Reduction Under Rule 704

The PTO determined 230 days of Applicant delay. Applicants do not dispute the PTO determination of 230 days of Applicant delay.

Request for Patent Term Adjustment in View of *Wyeth v. Dudas*

On the face of U.S. Patent 7,505,984, the PTO calculated that Applicants are entitled to 669 days of PTA as the difference between the delay under Rule 702(b) and the Applicant delay under Rule 704. According to *Wyeth v. Dudas*, 580 F. Supp. 2d 138 (D. D.C. 2008), the Patent Term Adjustment statute (35 U.S.C. § 154) does not permit the PTO to excuse one source of delay simply because it caused another source of delay by interpreting delays under Rule 703(a) and Rule 703(b) to be overlapping when such delays do not occur on the same calendar days. Therefore, Applicant requests the PTA be based on the sum of delays under Rules 703(a) and 703(b).

Applicants believe that the delays under Rules 703(a) and 703(b) in this case are overlapping 7 days on the same calendar days. In other words, the PTO delay from May 9, 2008 to May 15, 2008 (delay under Rule 703(a)) overlaps with the PTO delay from October 1, 2006 to March 17, 2009 (delay under Rule 703(b)). Therefore, Applicant requests the PTA calculation be based on the sum of delays under Rules 703(a) and 703(b) minus the days of Applicant delay, and further minus the overlapping days under Rule 703(a) and Rule 703(b), yielding a calculation of $525 + 899 - 230 - 7 = 1187$ days.

No Terminal Disclaimer

This application is not subject to a terminal disclaimer.

AUTHORIZATION

The Commissioner is hereby authorized to charge the fee set forth in 37 C.F.R. § 1.18(e) to Deposit Account No. 19-2555. The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this communication, or credit any overpayment, to Deposit Account No. 19-2555.

Respectfully Submitted,
Craig Nevill-Manning et al.

Date: May 13, 2009

By: /Brian Hoffman/

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